



STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

Number 27

**AN EMERGENCY ORDER SUSPENDING PROVISIONS OF CERTAIN LAWS
AND RULES IN ORDER TO PROVIDE RELIEF TO VICTIMS OF HURRICANE
KATRINA**

WHEREAS, the recent landfall of Hurricane Katrina has resulted in catastrophic conditions in the Gulf Coast areas of Louisiana, Mississippi and Alabama; and

WHEREAS, many residents of these devastated areas have been rendered homeless or are unable to return to their homes, forcing them to seek temporary refuge in other states. Many of these displaced citizens are now seeking refuge in the state of Tennessee; and

WHEREAS, in response to the emergency conditions existing in the aftermath of Hurricane Katrina, I directed the enactment of the Tennessee Emergency Management Plan on August 29, 2005, thereby declaring a state of emergency in Tennessee; and

WHEREAS, Tennessee Code Annotated § 58-2-107(e)(1) provides that during a state of emergency, the Governor is authorized to "suspend the provisions of any law, order, rule or regulation prescribing the procedures for the conduct of state business or the orders or rules or regulations of any state agency, if strict compliance with the provisions of any such law, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency"; and

WHEREAS, pursuant to this authority and the general emergency management powers of the Governor under Tennessee Code Annotated Title 58, Chapter 2, I have determined that the temporary suspension of several state laws and rules is necessary in order to cope with the current emergency situation.

NOW THEREFORE, I, Phil Bredesen, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, do hereby order and direct that the following state laws and rules be suspended until 12:00 a.m., Central Daylight Time, on October 1, 2005:

1. The provisions of Tenn. Code Ann. § 63-10-207(a) are hereby suspended to allow a pharmacist to dispense a thirty-day supply of medication without proper authorization to evacuees from Hurricane Katrina, subject to all other provisions of § 63-10-207.

2. The provisions of Tenn. Code Ann. § 63-10-306, as well as any related rules, are hereby suspended to give the Commissioner of Commerce and Insurance the discretion to allow, based on an individualized determination, a pharmacist licensed in another state to engage in the practice of pharmacy in Tennessee, if such pharmacist is an evacuee from Hurricane Katrina or is a pharmacist who has come into the state to assist evacuees from Hurricane Katrina.
3. The provisions of Tenn. Code Ann. § 63-10-306, as well as any related rules, are hereby suspended to allow any person licensed to practice medicine in the State of Tennessee or authorized to practice medicine in the State pursuant to this Executive Order to dispense prescription medications without charge to evacuees from Hurricane Katrina;
4. The provisions of Tenn. Code Ann. § 63-6-201 et seq., as well as any related rules, are hereby suspended to give the Commissioner of Health the discretion to allow, based on an individualized determination, a physician licensed in another state to engage in the practice of medicine in Tennessee, if such physician is an evacuee from Hurricane Katrina or is a physician who has come into the state to assist evacuees from Hurricane Katrina.
5. The provisions of Tenn. Code Ann. § 63-7-101 et seq., as well as any related rules, are hereby suspended to give the Commissioner of Health the discretion to allow, based on an individualized determination, a nurse licensed in another state to engage in the practice of professional nursing in Tennessee, if such nurse is an evacuee from Hurricane Katrina or is a nurse who has come into the state to assist evacuees from Hurricane Katrina.
6. The provisions of Tenn. Code Ann. § 8-50-810 are hereby suspended to give the Commissioner of Personnel the discretion to allow, based on an individualized determination, a state employee who is a certified disaster service volunteer of the American Red Cross leave from work with pay for a period not to exceed forty-five (45) work days in order to participate in disaster relief services related to Hurricane Katrina.
7. The provisions of Tenn. Code Ann. § 55-7-201 et seq. and Tenn. Comp. R. & Regs, Chapter 1680-7-1 are hereby suspended to authorize and permit vehicles carrying appropriate identification and transporting emergency equipment, services or supplies for or on behalf of the Federal Emergency Management Agency or the Emergency Management Agencies of the States of Alabama, Louisiana, or Mississippi to carry loads in excess of otherwise lawful maximum weight, height, length and width limits, subject to the following conditions:
 - i. A maximum gross vehicle weight of 95,000 pounds on a five-axle truck tractor/semi-trailer for hauling emergency equipment, services and supplies shall be permitted to travel on all Interstate Highways and state-maintained highways on the National Highway System except on a bridge with a posted weight limit.
 - ii. The outer bridge span of the five-axle truck tractor/semi-trailer shall not be less than fifty-one feet (51'). The vehicle's overall length shall not exceed one hundred feet (100') and its height shall not exceed thirteen feet, six inches (13' 6").
 - iii. Vehicles greater than eight feet, six inches (8' 6") wide, but not to exceed fourteen feet (14") in width, may travel only during daylight hours, beginning thirty (30) minutes after sunrise and ending thirty (30) minutes before sunset.

- iv. Transporters are responsible to ensure that they have proper oversize signs, markings, flags and escorts as defined by the State of Tennessee Department of Transportation’s rules and regulations for Overweight and Overdimensional Movements on Tennessee Highways.

Any request by such vehicles for a special permit to transport loads in excess of the foregoing weight, height, length and width limits or other restrictions shall be given expedited consideration and may be approved within the discretion of the Tennessee Department of Transportation’s Office of Overweight and Overdimensional Permits. The Commissioner of Transportation shall have the authority to waive any otherwise applicable permit fees related to such a request.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 3rd day of September, 2005.

GOVERNOR

ATTEST:

SECRETARY OF STATE